

REMARKS

The claims remaining in the present application are Claims 1-3, 8-12, and 21-23. Claims 22-23 have been added. No new matter has been added as a result of these amendments.

CLAIM REJECTIONS

35 U.S.C. 103

Claims 1-3, 8-12, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hohensee, et al., U.S. Patent No. 5,778,211 (hereinafter, Hohensee), in view of Ross et al., U.S. Patent No. 5,915,117 (hereinafter, Ross), and Le, Bich-Cau, U.S. Patent No. 6,631,514 (hereinafter, Le). The rejection is respectfully traversed for the following reasons.

Applicant respectfully asserts that Ross is not combinable with Hohensee for the following reasons. Ross teaches software control of hardware deferral exceptions. Thus, Ross teaches a method that is suitable for computer architectures that follow a "deferral" exception-handling model.

Hohensee teaches emulating a delayed exception on a computer system that itself uses a precise exception handling mechanism. Thus, Hohensee teaches a method that is suitable for computer architectures that follow a "precise" exception-handling model.

Because the teachings of Ross and Hohensee are for computer architectures that use these vastly different methods of handling exceptions, the Applicant asserts that Ross cannot be combined with Hohensee in such a way as to arrive at the limitations of Claim 1.

Applicant further asserts that one of ordinary skill in the art would not have been motivated to combine Ross with Hohensee because of the substantially different types of computer architectures to which Ross and Hohensee are directed. Applicant notes that Hohensee expressly discloses differences between these two types of architectures used to handle exception in the background section of Hohensee. Because of the vastly different types of architectures one of ordinary skill in that art would not have considered combining Ross with Hohensee.

COMMON OWNERSHIP EXCLUDES "LE" REFERENCE

Next, Applicant respectfully asserts that Le is subject to being disqualified as a reference under 35 U.S.C. §103(c). References that are only prior art under 35 U.S.C. §102(e), (f), and / or (g) may not be applied under 35 U.S.C. §103(a) if the reference and the application were commonly owned, or subject to an obligation of common assignment, at the time the invention was made.

Applicant asserts that the Le reference and the present application were either commonly owned, or subject to an obligation of common ownership, at the time of the present invention. As such, the Le reference is understood to be disqualified as a reference under 35 U.S.C. §103(c).

Because Le is not a valid prior art reference and because Claim 1 is respectfully believed to be patentable over Ross and Hohensee, Claim 1 is respectfully believed to be allowable.

Claims 2-3, 8-12, and 21 depend from Claim 1, which is respectfully believed to be allowable for the foregoing reasons. Therefore Claims 2-3, 8-12, and 21 are believed by Applicant to be allowable.

DOUBLE PATENTING

Claims 1-3, 8-12, and 21 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,173,248.

A terminal disclaimer will be filed to overcome the obviousness-type double patenting rejection over U.S. Patent No. 6,173,248, once claims 1-3, 8-12, and 21 are indicated as otherwise allowable.

NEW CLAIMS

Claims 22 and 23 have been added. Support for these claims may be found at least in original Claims 1, 2, and 4.

Claim 22 recites, in part:

determining whether the identified type of exception is currently blocked by the user program by examining a virtual exception mask that is maintained by the emulator program for simulating a user program exception mask as if the user program were executing on the legacy platform.

Applicant respectfully asserts that the prior art fails to teach or suggest the above limitation from Claim 22. Therefore, Applicant respectfully requests allowance of Claim 22.

Claim 23 recites, in part:

maintaining a virtual exception mask for simulating a user program exception mask as if the user program were executing on the legacy platform;

...

determining whether the identified type of exception is currently blocked by the user program by examining the virtual exception mask; and

Applicant respectfully asserts that the prior art fails to teach or suggest the above limitation from Claim 23. Therefore, Applicant respectfully requests allowance of Claim 23.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, Applicant respectfully submits that Claims 1-3, 8-12, and 21-23 overcome the rejections of record. Therefore, allowance of Claims 1-3, 8-12, and 21-23 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,
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